



Attorney's Docket No.: F0397.70068US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marvin J. Slepian et al.
Serial No.: 10/631,318
Conf. No.: 1899
Filed: July 31, 2003
Examiner: Not Yet Assigned
Title: BIODEGRADABLE POLYMERIC ENDOLUMINAL SEALING PROCESS,
APPARATUS AND POLYMERIC PRODUCTS FOR USE THEREIN
Art Unit: 3738

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Office of Initial Patent Examination's Filing Receipt Corrections, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the 31 day of March, 2004.



**Office of Initial Patent Examination's
Filing Receipt Corrections**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL

Sir:

Transmitted herewith is/are the following document(s):

- ☒ Request for Corrected Filing Receipt
- ☒ Copy of Entry into National Stage of PCT/US89/03593
- ☒ Copy of Filing Receipt of U.S. Patent Application No. 07/651,346
- ☒ Copy of U.S. Patent No. 6,699,272
- ☒ Certificate of Mailing
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

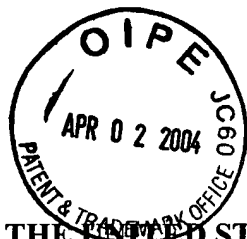
If any fee is due, it may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Timothy J. Oyer", is written over a horizontal line.

Timothy J. Oyer, Reg. No. 36,628
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210
Tel. (617) 720-3500
Fax (617) 720-2441

Docket No.: F0397.70068US00
Date: March 31, 2004
XNDDX



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Office of Initial Patent Examination's

Filing Receipt Corrections

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

REQUEST FOR CORRECTED FILING RECEIPT

Dear Sir:

The enclosed filing receipt does not include the correct continuing data information. The correct continuing data information is:

This application is a CON of USSN 10/020,083, filed 12/13/2001
which is a CON of USSN 09/624,055, filed 07/24/2000, now U.S. Patent No. 6,443,941
which is a DIV of USSN 09/327,715, filed 06/08/1999, now abandoned
which is a CON of USSN 08/481,646, filed 06/07/1995, now U.S. Pat No. 5,947,977
which is a DIV of USSN 08/182,516, filed 01/14/1994, now U.S. Pat. 5,674,287
which is a CON of 07/651,346, filed 04/19/1991, now abandoned
which is a national of PCT/US89/03593, filed 08/23/1989
which is a CIP of 07/235,998, filed 08/24/1988, now abandoned
07/651,346 is also a CIP of 07/593,302, filed 10/03/1990, now abandoned
which is a FWC of 07/235,998, filed 08/24/1988, now abandoned

The Patent Office has asserted that a non-provisional application, to which the present application indirectly claims priority, was improperly indicated as a National Stage Application. Applicants believe this to be in error, and that application serial number 07/651,346 was the national stage application under 35 U.S.C. §371 of PCT/US89/03593. As evidence, Applicants have submitted a copy of the Request for Entry into the National Stage under 35 U.S.C. §371 of PCT/US89/03593, and a copy the corresponding Filing Receipt, indicating that the entry into the national stage was granted, and the application was given serial number 07/651,346. Applicants have also submitted a copy of Patent No. 6,699,272, of which the instant application is a continuation, in which the priority claim shows that 07/651,346 was the National Stage filing of PCT/US89/03593. Accordingly, the Applicants respectfully request that this correction be made and a corrected filing receipt be issued.

Respectfully submitted,



Timothy J. Oyer, Reg. No. 36,628
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210
Tel. (617) 720-3500
Fax (617) 720-2441

Docket No.: F0397.70068US00

Date: March 31, 2004

XNDDX

BRUMBAUGH, GRAVES, DONOHUE & RAYMOND
30 ROCKEFELLER PLAZA
NEW YORK, N.Y. 10112

TELEPHONE 212 408-2500
FACSIMILE 212 765-2519
CABLE CAMBRUFREE
TELEX 238555

Patent

Our File No. 27477-A-PCT-USA

Date February 13, 1991

**TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED OFFICE
(DO/US) ENTRY INTO NATIONAL STAGE UNDER 35 U.S.C. 371**

Box PCT
Commissioner of Patents and Trademarks
Washington D.C. 20231

ATTENTION: DO/US

International Application No. PCT/US89/03593	International Filing Date August 23, 1989	Priority Date Claimed August 24, 1988
Title of Invention BIODEGRADABLE POLYMERIC ENDOLUMINAL SEALING PROCESS, APPARATUS AND POLYMERIC PRODUCT FOR USE THEREIN		
Applicants for DO/US SLEPIAN, Marvin J. and SCHINDLER, Anton		

- I. Applicant herewith submits to the United States Designated Office (DO/US) the following items under 35 U.S.C. 371:
- () This express request to immediately begin national examination procedures (35 U.S.C. 371(f)).
 - (X) The U.S. National Fee (35 U.S.C. 371(c)(1)) as follows:

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. 1.10

"Express Mail" Mailing Label No. FB325634903US. Date of Deposit February 13, 1991. I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Calvin Teegarden
(Type or print name of person mailing paper or fee)

(Signature of person mailing paper or fee)

Our File No. 27477-A-PCT-USA

BASIC FEE (X) U.S.P.T.O. was International Preliminary
Examining Authority \$330.00

() International Search Fee Has Been Paid to
U.S.P.T.O. \$370.00

() International Search Fee has not been paid
to U.S.P.T.O. \$500.00 \$330.00

FEEs

CLAIMS FEE	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCU- LATIONS
* () TOTAL CLAIMS		<u>38</u>	-20= <u>18</u>	x \$ 30.00	= <u>\$540</u>
IND. CLAIMS		<u>4</u>	- 3= <u>1</u>	x \$ 60.00	= <u>\$ 60</u>
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$200.00	= <u> </u>
Surcharge for Late Filing, if any				+ \$120.00	= <u> </u>
				Subtotal	<u>\$600</u>
Reduction by 1/2 for filing by small entity, if applicable. Affidavit must be filed also. (note 37 C.F.R. 1.9, 1.27, 1.28)					- <u> </u>
TOTAL	Total National Fee				\$ <u>930.00</u>

* See attached Preliminary Amendment Reducing the Number of Claims.

- i. (X) A check in the amount of \$930.00 to
cover the National fee is enclosed.
- ii. () Please charge my Deposit Account No. 02-4377
in the amount of \$. A
duplicate copy of this sheet is enclosed.

Our File No. 27477-A-PCT-USA

- iii. (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4377. A duplicate copy of this sheet is enclosed.
3. A copy of the International application as filed [35 U.S.C. 371 (c) (2)]:
- a. () is transmitted herewith.
 - b. (X) is not required as the application was filed with the United States Receiving Office.
 - c. () has been transmitted
 - i. () by the International Bureau. Date of mailing of the application (from form PCT/IB/308): _____
 - ii. () by applicant on _____
(Date)
4. A translation of the International application into the English language [35 U.S.C. 371(c) (2)]:
- a. () is transmitted herewith.
 - b. (X) is not required as the application was filed in English.
 - c. () was previously transmitted by applicant on _____
(Date)
5. Amendments to the claims of the International application under PCT Article 19 [35 U.S.C. 371(c) (3)]:
- a. (X) are transmitted herewith.
 - b. () have been transmitted
 - i. () by the International Bureau. Date of mailing of the amendments (from form PCT/IB/308): _____

Our File No. 27477-A-PCT-USA

- ii. () by applicant on _____.
(Date)
- c. () have not been transmitted as
- i. () no notification has been received that the International Searching Authority has received the Search Copy.
- ii. () the Search Copy was received by the International Searching Authority but the Search Report has not yet issued. Date of receipt of Search Copy (from form PCT/ISA/202):
_____.
- iii. () applicant chose not to make amendments under PCT Article 19. Date of mailing of Search Report (from form PCT/ISA/220):
_____.
- iv. () the time limit for the submission of amendments has not yet expired. The amendments or a statement that amendments have not been made will be transmitted before the expiration of the time limit under PCT Rule 46.1.
6. A translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)]:
- a. () is transmitted herewith.
- b. (X) is not required as the amendments were made in the English language.
- c. () has not been transmitted for reasons indicated at point I.5.c above.
7. An oath or declaration of the inventor [35 U.S.C. 371(c)(4)] complying with 35 U.S.C. § 115
- a. () was previously submitted by applicant on _____.
(Date)

Our File No. 27477-A-PCT-USA

- b. ☐ is submitted herewith and such oath or declaration.
 - i. ☐ is attached to the application.
 - ii. ☐ identifies the application and any amendments under PCT Article 19 which were transmitted as stated in points I.3.b. or c and I.5.b and states that they were reviewed by the inventor as required by 37 CFR 1.70.
- c. ☒ will be submitted subsequently.

II. Concerning other documents:

1. An International Search Report or Declaration under PCT Article 17(2)(a):
 - a. ☒ is transmitted herewith.
 - b. ☐ has been transmitted by the International Bureau. Date of mailing (from form PCT/IB/308): _____.
 - c. ☐ is not required as the application was searched by the United States International Searching Authority.
 - d. ☐ will be transmitted promptly upon request.
 - e. ☐ has been submitted by applicant on _____.
(Date)
 - f. ☐ is not transmitted as the International search has not yet issued.
2. An Information Disclosure Statement under 37 CFR 1.97 and 1.98:
 - a. ☐ is transmitted herewith.

Also transmitted herewith is

- ☐ Form PTO 1449
- ☐ Copies of citations listed

Our File No. 27477-A-PCT-USA

- b. ☒ (X) will be transmitted within THREE MONTHS of the date of submission of requirements under 35 U.S.C. 371(c).
- c. ☐ () was previously submitted by applicant on _____
(Date)
3. ☐ () An assignment is transmitted herewith for recording.
- a. ☐ () Please charge my Deposit Account No. 02-4377 in the amount of \$_____.
- b. ☐ () A check in the amount of \$_____ is enclosed.
4. ☒ (X) Additional Documents
- a. ☒ (X) Copy of Request (PCT IRO/101)
- b. ☒ (X) International Publication No. WO 90/01969.
- i. ☒ (X) Specification, claims and drawing
- ii. ☐ () Front page only
- c. ☒ (X) Preliminary amendment
- d. ☐ () A copy of an International Preliminary Examination Report
- e. ☒ (X) Other Written Opinion (PCT/IPEA/408) and Applicant's Response thereto
5. ☒ (X) Demand for Preliminary Examination under PCT Article 31 was filed on March 20, 1990 and the above checked items are being transmitted:
- a. ☒ (X) Before 30 months from any claimed priority date.

Our File No. 27477-A-PCT-USA

- b. () After 30 months but before 32 months
(surcharge and/or processing fee
included) from any claimed priority
date.
- () Demand for Preliminary Examination under PCT
Article 31 has not been filed, and the above
checked items are being transmitted
 - a. () before the 18th month publication
 - b. () after publication and the article 20
communication but before 20 months from
the priority date
 - c. () after 20 months but before 22 months
(surcharge and/or processing fee
included)
 - d. () after 22 months (surcharge and/or
processing fee included).

BRUMBAUGH, GRAVES, DONOHUE & RAYMOND

BY Marina T. Larson
Marina T. Larson
PTO Reg. No. 32,038

Enclosures

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office
 ASSISTANT SECRETARY AND COMMISSIONER
 OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
07/651,346	04/19/91	336	\$ 930.00	27477-A-PCT-	8	38	4

BRUMBAUGH, GRAVES, DONOHUE & RAYMOND
 30 ROCKEFELLER PLAZA
 NEW YORK, NY 10112

Receipt is acknowledged of the patent application identified herein. It will be considered in its order and you will be notified as to the examination thereof. Be sure to give the U.S. SERIAL NUMBER, DATE OF FILING, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this transmittal.

Applicant(s)

MARVIN J. SLEPIAN, TUCSON, AZ; ANTON SCHINDLER, DURHAM, NC.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A CIP OF 07/235,998 08/24/88 ABAN
 AND A CIP OF 07/593,302 10/03/90

FOREIGN/PCT APPLICATIONS-PCT

PCT/US89/03593 08/23/89

TITLE

BIODEGRADABLE POLYMERIC ENDOLUMINAL SEALING PROCESS, APPARATUS AND
 POLYMERIC PRODUCT FOR USE THEREIN

PRELIMINARY CLASS: 604

RECEIVED
 BRUMBAUGH, GRAVES,
 DONOHUE & RAYMOND

1991 JUN 20 PM 2:29

TO	<i>[Signature]</i>
	<i>[Signature]</i>

(see reverse)